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OFFICIAL GAZETTE

GOVERNMENT OF GOA

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GOVERNMENT OF GOA

Department of Elections

Goa State Election Commission

Order

No. 4/14/Bye-Elec/MMC/Sec-2016/1239

Sub.-: Municipal Council Elections-Expenditure by Contesting Candidates.

Read:- 1) Notification No. 4/14/Bye-Elec/MMC/Sec-2016/1053 dated 2-08-2016.
 2) Order No. 4/14/Bye-Elec/MMC/Sec-2016/1067 dated 5-08-2016.
 3) Order No. 4/14/Bye-Elec/MMC/Sec-2016/1233 dated 26-09-2016.

Whereas, the superintendence, direction & control of Ward No. XXI of Margao Municipal Council Election are vested with the Goa State Election Commission under Article 243ZA of the Constitution of India.

Whereas, it is necessary and expedient to provide in the interest of purity of election to Margao Municipal Council ward an account of expenditure incurred by the candidate and for matters connected therein.

Now, therefore, this Commission hereby directs as follows:-

1. The Returning Officer(RO) shall provide printed format prescribed by the Commission for contesting candidates from the day of filing of Nomination by the candidates.
2. The Register/format so maintained shall be duly numbered and authenticated by the R.O. of the relevant Municipal Council ward at the time of issue.

3. All day to day expenditure shall be truly recorded in this register by the candidate or the election agent.
4. All documents such as vouchers, receipts, bills, etc. in support of day to day expenditure incurred shall be maintained in chronological day wise order along with the aforesaid format as prescribed.
8. The election expenditure, as submitted by the candidates may be scrutinized by the concerned MCEO and submit expenditure report along with brief comments to the Goa State Election Commission. All the election expenditure registers submitted by the contesting candidates has to be kept by the concerned MCEO's in safe custody.
9. The Commission, on receipt of the reports from the MCEO, will issue a show cause notice to the candidates who have failed to lodge their account of election expenses within the time as prescribed above.
10. The showcase notice to the defaulting candidates will be served by the MCEO concerned and send copy of the acknowledgement obtained from the candidates to Commission.
11. The defaulting candidates may be disqualified by the Commission.
12. The maximum limit of election expenses in respect of a Municipal Council ward has been fixed as Rs. 2,00,000/- Rupees two lakhs only).

Dr. M. Modassir, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 28th September, 2016.

Order

No. 4/14/Bye-Elec/MMC/SEC-2016/1240

Sub.: Filing of affidavit for Bye-Election to Ward No. XXI of Margao Municipal Council.

In exercise of the powers conferred with this Commission under Article 243ZA of the Constitution of India read with Section 10A of the Goa Municipalities Act, 1969, I Dr. M. Modassir, State Election Commissioner, Goa hereby direct as under:-

Whereas, as per Rule 2A of the Goa Municipalities (Election) Rules, 1969 it is incumbent upon the candidates to file an affidavit in the prescribed Form XXIII alongwith the nomination.

And whereas, if any candidate fails to file the said affidavit alongwith the nomination paper, the Returning Officer should bring this defect to the notice of the candidate/proposal presenting the nomination form.

It is further directed that no column of the affidavit should be left blank or filled by just tick/-dash marking. If the information asked for in a column is Nil or not applicable to the particular candidate, then he should write "Nil" or "Not

applicable" in that column. A standard format for this purpose is given at Annexure "A".

A copy of blank Form XXIII should be issued to the candidate or proposer immediately on presentation of the nomination paper and candidate should be asked to file duly sworn affidavit alongwith the nomination papers.

In case there is a request from any person to seek copies of the affidavit filed by a candidate/-candidates, they may be given a copy on payment of copying charges at the rate of Rs. 2/- per page.

If any candidate fails to file prescribed affidavit till the last date and time of nominations, the Returning Officer shall reject his candidature during scrutiny for non-compliance of Rule 2A.

The Returning Officer shall not go into the aspect of verification/truthfulness of the contents of the affidavit sworn by the candidate during the scrutiny of the Nominations or during the election process.

Given under the seal of this Commission.

Dr. M. Modassir, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 28th September, 2016.

Order

No. 4/14/Bye-Elec/MMC/Sec-2016/1241

Sub.: Appointment of General Observer for Bye-Election to Ward No. XXI of Margao Municipal Council.

Whereas the bye-election to Ward No. XXI of Margao Municipal Council in Salcete Taluka will be held on 23-10-2016.

And whereas the State Election Commission is vested with the power of superintendence, direction and control of the Municipal Election to ensure free and fair election.

Now, therefore, in exercise of the powers vested in me under Article 243ZA of the Constitution of India read with Section 10A of The Goa Municipalities Act, 1968, I, the undersigned, State Election Commissioner, Goa, do hereby appoint the Officer of Government of Goa as Observer (General) for ward No. XXI of Margao Municipal Council shown against his name herein below for the purpose of bye-election to Ward No. XXI Margao Municipal Council to be held on 23rd October, 2016.

The Observer (General) appointed herein shall monitor the Election process of Municipal Council and accordingly submit periodical reports to concern District Collector/Municipal Council District Election Officer and this Commission.

Sr. No.	Name & designation of the Officer appointed as Observer	Name of the Municipal Council	Mobile No./Office No.
1.	Shri Srinet Kotwale, Director (Environment), Directorate of Science, Technology & Environment, Opp. Saligao Seminary, Saligao, Bardez, Goa	Ward No. XXI of Margao Municipal Council	9422056976

The Observer shall look into public grievance regarding violations of Code of Conduct, Malpractices by the candidates and proper functioning of RO/ARO.

The date of Poll will be 23rd October, 2016 and the hours of poll will be from 8.00 a.m. to 5.00 p.m. The counting of votes shall be done on 24-10-2016 from 8.00 a. m. till the counting is over. The above appointed officer shall take charge of their duties immediately and he shall be functional till 24th October, 2016. The Observer (General) shall submit report to this Commission on 24th October, 2016 latest by 4.00 p.m.

The duties and responsibilities allotted to the Observer (General) appointed herein above are as shown below:-

- a) To watch the conduct of elections and the counting of votes and guide the Returning Officer in conducting training classes for polling personnel and counting rehearsals.
- b) In case of any irregularities noticed by the Observer, Returning Officer may be directed to initiate action as per provisions of Law and Model Code of Conduct in force under intimation to the State Election Commission so as to conduct election in free & fair manner. For this purpose the Observer is permitted to use Telephone/Fax facilities available in the Office of the Returning Officer.
- c) Copies of the following documents may be collected at the earliest:
 - i. Authority letter to enter the polling stations and place of counting.
 - ii. Car pass for Observer.
 - iii. List of Polling Stations.
- d) Two copies of passport size photograph may kindly be made available to the Commission for the purpose of issuing a badge to the Observer.
- e) The Observer will have to submit to the State Election Commission immediately after the last day of counting of votes, a brief note containing his observations at the time of polling and counting alongwith his suggestions, if any.
- f) The Observer shall use his own official vehicle available in his Department/Office.
- g) The Returning Officers shall provide adequate security and support services such as providing fuel, stationery, etc. to the Observer.

- h) The respective HOD's under whom the above appointed Officers are working shall provide him/her office vehicle and a driver with adequate petrol for first journey.
- i) The respective Controlling Officers shall relieve them immediately without fail for enabling them to perform the duties as Observer (General).

Dr. M. Modassir, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 28th September, 2016.

Order

No. 4/14/Bye-elec/MMC/2016-SEC/1242

Sub.: Deposit for Nominations.

Whereas the Bye election to Ward No. XXI of Margao Municipal Council in the State of Goa has been declared vide Notification No. 4/14/Bye-elec/MMC/2016-SEC/1053 dated 02-08-2016.

And whereas, under Article 243ZA of the Constitution of India, the State Election Commission is seized with the conduct of the said elections.

Now, therefore, the State Election Commission in exercise of the powers conferred upon it under Article 243ZA of the Constitution of India read with Section 10A of the Goa Municipalities Act, 1968 hereby issues the following clarification in respect of Rule 14 of the Goa Municipalities (Election) Rules, 1969.

As per Rule 14 of the Goa Municipalities (Election) Rules, 1969, the amount of deposit to be made by a candidate along with his/her nomination is shown in the tabulated format below for ready reference of the Returning Officers and Candidates.

For all General Category of Wards (unreserved)	Rs. 500/- per candidate irrespective of whether candidate is a woman or belongs to Scheduled Tribe/Scheduled Caste/Other Backward Classes.
For all Reserved Category of Wards	Rs. 300/- for Ward reserved for OBC. Rs. 75/- for Ward reserved for OBC (Women). Rs. 75/- for Ward reserved for Scheduled Caste (Men or Women). Rs. 75/- for Ward reserved for Scheduled Tribe (Men or Women). Rs. 75/- for Ward reserved for Women.

Given under the seal of this Commission.

Dr. M. Modassir, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 28th September, 2016.

Order

No. 4/14/Bye-Elec/MMC/SEC-2016/1255

Sub.- Appointment of Expenditure Observer for Bye-Election to Ward No. XXI of Margao Municipal Council.

Whereas the bye-election to Ward No. XXI of Margao Municipal Council in Salcete Taluka will be held on 23-10-2016.

And whereas the State Election Commission is vested with the power of superintendence, direction and control of the Municipal Election to ensure free and fair election.

Now, therefore, in exercise of the powers vested in me under Article 243ZA of the Constitution of India read with Section 10A of The Goa Municipalities Act, 1968, I, the undersigned, State Election Commissioner, Goa, do hereby appoint the Officer of Government of Goa as Observer (Expenditure) for ward No. XXI Margao Municipal Council shown against his name hereinbelow for the purpose bye-election to Ward No. XXI Margao Municipal Council to be held on 23rd October, 2016.

The Observer (Expenditure) appointed herein shall monitor the Election Expenditure incurred by each of the candidates and accordingly submit periodical reports to the Returning Officer and the District Collector/Municipal Council District Election Officer.

Sr. No.	Name and designation of the Officer appointed as Expenditure Observers	Name of the Municipal Council
1.	Shri Martinho Fernandes (A.A.O.), South Education Zone, Margao-Goa 9822104222/2714825	Ward No. XXI of Margao Municipal Council.

The service of above appointed Officer are hereby requisitioned for the bye election to Ward No. XXI of Margao Municipal Council with immediate effect and till the entire process of election is over. The concerned Head of the Department/Head of Office/Controlling Officers shall immediately relieve the above Officer.

The Expenditure Observer shall report to concern RO and start functioning so as to monitor the expenditure incurred by the candidates and submit the report to the Returning Officer. The Expenditure Observer shall ensure that there is no violation of Model Code of Conduct by the candidates while incurring Election Expenditure and any such violations noticed shall be immediately brought to the notice of the Returning Officer.

The Expenditure Observers shall submit their final report on 24-10-2016 latest by 4.00 p.m. to the respective MCEO for onward submission to this Commission.

Attention of all the Controlling Officers is hereby invited to the Circular No. 13/5/2011-Per dated 28-09-2011 issued by the Department of Personnel, Government of Goa regarding the independent and effective functioning of the State Election Commission. The Controlling Officers shall ensure that there is no laxity on their part in relieving the appointed Officers and any such instances shall be viewed seriously.

Dr. M. Modassir, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 29th September, 2016.

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